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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,428	12/14/2001	Seiya Ohta	35 . G2972	6630
5514	7590	01/11/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YODER III, CRISS S	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/014,428	OHTA, SEIYA
	Examiner Chriss S. Yoder, III	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-8 and 12-13 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 9-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

Election/Restrictions

Claims 7-8 and 12-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 17, 2005. In view of Applicant's remarks on page 2, figures 1 and 3 will be considered to relate to the first species.

The Applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al. (US Patent # 5,526,045).
2. In regard to claim 1, note Oshima discloses the use of a photographing apparatus capable of performing still picture photography and motion picture photography (column 10, lines 2-10), comprising an image stabilizer that corrects image

blur (column 8, lines 32-40) and a controller that controls said image stabilizer using a predetermined control characteristic selected from among a plurality of control characteristics (column 8, lines 32-40 and column 10, lines 2-12), the predetermined control characteristic being selected on the basis of whether said photographing apparatus is performing motion picture photography or still picture photography (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode).

3. In regard to claim 2, note Oshima discloses that the predetermined control characteristic selected by said controller is a frequency characteristic of said controller with respect to a vibration frequency (column 9, lines 19-40).

4. In regard to claim 3, note Oshima discloses that the frequency characteristic of said controller has a lower frequency response for still picture photography than for motion picture photography (column 13, lines 39-52, when switching to a motion/damping mode, the use of low-cutoff filters 11e-11g are inserted, thereby removing the low frequency characteristics; therefore, the still image mode has a lower frequency response characteristic than the motion mode).

5. In regard to claim 4, note Oshima discloses the use of a photographing apparatus capable of performing still picture photography and motion picture photography (column 10, lines 2-10), comprising an image stabilizer that corrects image blur (column 8, lines 32-40), a photographing switch that performs a photographic operation (column 8, line 61- column 9, line 5), and a controller that controls said image

stabilizer using a predetermined control characteristic selected from among a plurality of control characteristics (column 8, lines 32-40 and column 10, lines 2-12), the predetermined control characteristic being selected in response to operation of said photographing switch (column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7), and on the basis of whether said photographing apparatus is performing still picture photography or motion picture photography (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode).

6. In regard to claim 5, note Oshima discloses that the photographing switch includes a plurality of stages, and the predetermined control characteristic is selected when a predetermined number of stages of said photographic switch are operated (column 8, line 61- column 9, line 5; after the user depresses the control switch 7 and the first stage is operated, the control mode is selected).

7. In regard to claim 6, note Oshima discloses that the same predetermined control characteristic is selected regardless of whether said photographing apparatus is performing still picture photography or motion picture photography if said photographing switch is not operated (column 8, line 61- column 9, line 5; if the user does not depress the control switch 7 then the control mode is not changed and the characteristics stay the same).

8. In regard to claim 9, note Oshima discloses the use of a photographing apparatus capable of performing still picture photography and motion picture

photography (column 10, lines 2-10), comprising an image stabilizer that corrects image blur (column 8, lines 32-40) and a detector that detects a vibration frequency using a predetermined vibration detection characteristic selected from among a plurality of vibration detection characteristics (column 4, lines 45-50 and column 9, lines 19-40, the image fluctuations are defined as a blur caused by the frequency of vibration/movement of the camera; column 8, lines 32-40, the image is corrected using image fluctuation detectors to suppress the vibration/movement), the predetermined vibration detection characteristic being selected on the basis of whether said photographing apparatus is performing still picture photography or motion picture photography (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode).

9. In regard to claim 10, note Oshima discloses the use of a photographing apparatus capable of performing still picture photography and motion picture photography (column 10, lines 2-10), comprising an image stabilizer that corrects image blur (column 8, lines 32-40), a controller that controls said image stabilizer (column 8, lines 32-40), and a panning/tilting detector that detects whether said photographing apparatus is panning or tilting (column 9, lines 1-17; the fluctuations detectors 8a-8c can detect whether the camera is panning or tilting), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 8, lines 32-40), the predetermined detection characteristic being selected on the basis of whether said photographing apparatus is performing still picture photography or motion

picture photography (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode, i.e. still or motion modes use different filters; therefore, different control characteristics are used to determine pan/tilt in each mode).

10. In regard to claim 11, note Oshima discloses the use of a photographing apparatus capable of performing still picture photography and motion picture photography (column 10, lines 2-10), comprising an image stabilizer that corrects image blur (column 8, lines 32-40), a photographing switch that performs a photographic operation (column 8, line 61- column 9, line 5), and a panning/tilting detector that detects whether said photographing apparatus is panning or tilting (column 9, lines 1-17; the fluctuations detectors 8a-8c can detect whether the camera is panning or tilting), using a predetermined detection characteristic selected from among a plurality of detection characteristics (column 8, lines 32-40; the characteristics are selected based on the selected mode), the predetermined detection characteristic being selected in response to operation of said photographing switch (column 8, line 61- column 9, line 5; the control mode is selected when the user depresses the control switch 7) and on the basis of whether said photographing apparatus is performing still picture photography or motion picture photography (column 10, lines 2-12, the imaging mode can be changed; and column 13, lines 39-52, based on the imaging mode, the predetermined control characteristics are set using different filters for image correction in each mode, i.e. still

or motion modes use different filters; therefore, different control characteristics are used to determine pan/tilt in each mode).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006940542B2: note the use of image shake correction in a camera having high and low pass filters for correction.

US006809758B1: note the use of image shake correction in a video sequence.

US006734901B1: note the use of image shake correction in a camera.

US005020890: note the use of a camera with different shake correction for a still and moving mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
January 4, 2006



NGOC-YEN VU
PRIMARY EXAMINER